

ATTACHMENT A
Remarks

Claims 1-3, 5-7, 22, 25, 33 and 34 are pending in the present application. By this Amendment, Applicant has amended all of the pending claims and has canceled claims 4, 8-21, 23, 24, and 26-32. Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

In the outstanding Office Action, claims 1-14 and 19-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bolger et al, U.S. Patent No. 6,770,096 (hereinafter "Bolger"), or in the alternative, under 35 U.S.C. § 103(a) as being obvious in view of Cleveland, Jr., U.S. Patent No. 2,774,350 (hereinafter "Cleveland").

In order to further distinguish the present invention over the cited prior art and in order to move this case forward to allowance, Applicant has amended the claims to further highlight additional novel elements over the prior art. For example, claim 1, currently amended, now is directed to an instrument which has a frame with at least two arms in which each arm includes a first articulated part and a second articulated part wherein the first articulated part is pivotably mounted at one end to a respective tube of each arm and at an opposite end to the second articulated part. A retaining nut secures each anchor screw to a respective tube.

Applicant respectfully submits that the prior art of Bolger individually or in combination with Cleveland fails to teach or in any way make obvious the presently claimed frame member as now recited. Nowhere does Bolger teach or in any way make obvious a first arm or a second arm which includes a first articulated part and a second articulated part wherein the first articulated part is pivotably mounted at one end to a respective tube and, at an opposite end which is pivotally mounted to the second

articulated part as claimed. Accordingly, Applicant respectfully submits that claim 1 is not anticipated or obvious in view of the cited prior art.

Independent claim 22 recites a similar frame member to the one in claim 1, wherein the frame member has a first articulated part and a second articulated part. Therefore, Applicant respectfully submits that claim 22 is not anticipated by or obvious in view of the cited prior art for the same reasons as discussed above with regard to claim 1.

Further, with regard to dependent claims 2, 3, 5-7, 25, 33, and 34, Applicant respectfully submits that these dependent claims are not anticipated by or obvious in view of the cited art as being either dependent from claim 1 or claim 22 and for further reciting additional claim elements which, in combination with the elements of independent claim 1 or claim 22, are further novel and not obvious over the prior art. For example, with regard to claim 5, the prior art fails to teach or make obvious a connecting member comprising a toothed rod and the at least two arms comprising a first arm and a second arm in which the first arm is fixed to the toothed rod by a hub of the respective second articulating member and the second arm slidably mounted to the connected bar by a sleeve. Further, the prior art fails to teach or make obvious the recited sleeve with a toothed wheel fixed thereto, as claimed in claim 6.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

END REMARKS (Attorney Signature on Amendment)